

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USDC Docket Number : 04-cr-10364

United States of America

v.

Shawn Winbush

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-28, 30-38, 41-54, 56-58, 61-67

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/3/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 10, 2006.

Sarah A Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/10/06.

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL, MAG

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10364-NMG-ALL**

Case title: USA v. Winbush et al  
Magistrate judge case number: 1:04-mj-00486-  
RBC

Date Filed: 12/09/2004

Assigned to: Judge Nathaniel M.  
Gorton

**Defendant**

**Shawn Winbush (1)**  
*TERMINATED: 02/28/2006*

represented by **Victoria M. Bonilla-Argudo**  
Bourbeau and Bonilla  
77 Central St., 2nd Floor  
Boston, MA 02109  
617-350-6868  
Fax: 617-350-7766  
Email: vicky@lawgenie.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Lawrence P. Novak**  
235 Candy Lane  
Brockton, MA 02301  
508-587-8400  
Fax: 508-588-8042  
Email: Larrynovak@comcast.net  
*TERMINATED: 10/07/2005*  
*Designation: Retained*

**Pending Counts**

21:963 Conspiracy to Import  
Cocaine  
(1)

**Disposition**

ON Counts 1 and 2; 188 months  
in BOP, followed by 4 years of  
SR. SA of \$200. Submit to DNA  
sample. NO firerms. Participate in  
SA program. Participate in MH

21:952(a) and 960(a) Importation  
of Cocaine  
(2)

program. No alcoholic beverages.  
No aliases. .

TOL 31 CHC VI. Court hears  
argument for a reduced sentence.  
Govt recommends maximum of  
235 months. ON Counts 1 and 2;  
188 months in BOP, followed by  
4 years of SR. SA of \$200.  
Submit to DNA sample. NO  
firerms. Participate in SA  
program. Participate in MH  
program. No alcoholic beverages.  
No aliases. Judgment to issue.  
Informed of rights to appeal and  
representation.

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

21:952(a) and 960(a) Importation  
of Cocaine

**Disposition**

**Disposition**

TOL 31 CHC VI. Court hears  
argument for a reduced sentence.  
Govt recommends maximum of  
235 months. ON Counts 1 and 2;  
188 months in BOP, followed by  
4 years of SR. SA of \$200.  
Submit to DNA sample. NO  
firerms. Participate in SA  
program. Participate in MH  
program. No alcoholic beverages.  
No aliases. Judgment to issue.  
Informed of rights to appeal and

representation.

Assigned to: Judge Nathaniel M.  
Gorton

**Defendant**

**Courtney Mighty (2)**  
*TERMINATED: 03/31/2006*

represented by **Catherine K. Byrne**  
Federal Defender's Office  
District of Massachusetts  
408 Atlantic Ave.  
Third Floor  
Suite 328  
Boston, MA 02210  
617-223-8061  
Fax: 617-223-8080  
Email: catherine\_byrne@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender  
Appointment*

**Pending Counts**

21:963 Conspiracy to Import  
Cocaine  
(1)

21:952(a) and 960(a) Importation  
of Cocaine  
(2)

**Disposition**

TOL 21, CHC I; 37-46 months.  
On Counts I & II; 22 months in  
custody of BOP, followed by 36  
months of SR. Submit to DNA  
sample. No fine. SA \$200. Special  
Conditions as described in the  
PSR. Defendant is remanded to  
custody of USMS. Informed of  
rights to appeal and  
representation.

TOL 21, CHC I; 37-46 months.  
On Counts I & II; 22 months in  
custody of BOP, followed by 36  
months of SR. Submit to DNA  
sample. No fine. SA \$200. Special  
Conditions as described in the  
PSR. Defendant is remanded to  
custody of USMS. Informed of

rights to appeal and  
representation.

**Highest Offense Level  
(Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level  
(Terminated)**

None

**Complaints**

21:952(a) and 960(a) Importation  
of Cocaine

**Disposition**

**Disposition**

TOL 21, CHC I; 37-46 months.  
On Counts I & II; 22 months in  
custody of BOP, followed by 36  
months of SR. Submit to DNA  
sample. No fine. SA \$200. Special  
Conditions as described in the  
PSR. Defendant is remanded to  
custody of USMS. Informed of  
rights to appeal and  
representation.

**Plaintiff**

USA

represented by **Nancy Rue**  
United States Attorney's Office  
John Joseph Moakley Federal  
Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3260  
Fax: 617-748-3965  
Email: nancy.rue@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**



Date Filed	#	Docket Text
10/07/2004	<u>1</u>	COMPLAINT as to Shawn Winbush (1), Courtney Mighty (2). (Cummings, Mary)[1:04-mj-00486-RBC] (Entered: 10/08/2004)
10/07/2004	<u>2</u>	CJA 23 Financial Affidavit by Courtney Mighty (Cummings, Mary)[1:04-mj-00486-RBC] (Entered: 10/08/2004)
10/07/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Initial Appearance as to Courtney Mighty held on 10/7/2004. Court informed Def't of rights and charges. Def't filled out financial affidavit and[1:04 court found that Def't cannot afford counsel. Federal Defender Byrne is appointed. Gov't moves for detention and a Detention hearing is set down for Tuesday October 12, 2004 at 3:30 PM. (Digital Recording) (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/12/2004)
10/07/2004		Attorney update in case as to Courtney Mighty. Attorney Catherine K. Byrne for Courtney Mighty added. (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/12/2004)
10/08/2004	<u>3</u>	CJA 23 Financial Affidavit by Shawn Winbush (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/12/2004)
10/08/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Initial Appearance as to Shawn Winbush held on 10/8/2004. Def't informed of max penalty, charges, and rights. Defendant fills out a Financial Affid[1:04avit and the court finds he cannot afford an attorney. The court appoints Attorney Victoria Bonilla for Def't. Gov't moves for detention and the court sets detention hearing for Friday October 15, 2004 at 2:00 PM. (Digital Recording) (Russ[1:04o, Noreen)[1:04-mj-00486-RBC] (Entered: 10/12/2004)
10/08/2004	<u>4</u>	Magistrate Judge Robert B. Collings : ORDER entered CJA 20 as to Shawn Winbush : Appointment of Attorney Victoria M. Bonilla-Argudo for Shawn Winbush. (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/12/2004)
10/12/2004	<u>5</u>	WAIVER of Preliminary Examination or Hearing by Courtney Mighty (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/13/2004)

10/12/2004	3	Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Hearing as to Courtney Mighty held on 10/12/2004. Nancy Rue for the Gov't, Catherine Byrne for Def't, and Pre-trial services were present. Def't waived preliminary examination and voluntarily agreed to detention pending Federal Defender Byrne attempting to get permission from adoptive parents for Def't to stay with them if released. Byrne will contact court if she would like another hearing. No date set for another hearing. (Digital Recording) (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/13/2004)
10/12/2004	37	Magistrate Judge Robert B. Collings : ORDER entered ORDER Pursuant to Rule 5.1, Fed. R. Crim. P. as to Courtney Mighty. (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/18/2004)
10/12/2004	38	Magistrate Judge Robert B. Collings : MEMORANDUM AND ORDER OF DETENTION as to Courtney Mighty. (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 10/18/2004)
10/15/2004	36	MOTION for Release from Custody as to Shawn Winbush. (Bonilla-Argudo, Victoria)[1:04-mj-00486-RBC] (Entered: 10/15/2004)
10/15/2004	3	Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Detention Hearing as to Shawn Winbush held on 10/15/2004. Nancy Rue for Gov't, Victoria M. Bonilla-Argudo for Mr. Winbush. Gov't argues for Detention and presents one witness, Agent Eric LeFort. Agent LeFort is examined on direct, cross and, reply. Def't presents 4 exhibits and argues for release to a Third-party custodian, Mrs. Winbush, who lives in Section 8 housing. Gov't presents closing arguments, Defendant presents final arguments. Defendant concedes probable cause. Court finds probable cause. Court takes issue of detention under advisement pending Pretrial interview with Mrs. Winbush and Counselor and Pretrial looking into Defendant's ability to live in Section 8 housing. (Digital Recording) (Russo, Noreen) [1:04-mj-00486-RBC] (Entered: 10/19/2004)
11/24/2004	39	MOTION to Dismiss on Speedy Trial as to Shawn Winbush. (Bonilla-Argudo, Victoria)[1:04-mj-00486-RBC] (Entered: 11/24/2004)



11/24/2004	10	MEMORANDUM in Opposition by USA as to Shawn Winbush re 9 MOTION to Dismiss on Speedy Trial (Rue, Nancy)[1:04-mj-00486-RBC] (Entered: 11/24/2004)
11/24/2004	11	Magistrate Judge Robert B. Collings : ORDER entered ORDER OF DETENTION PENDING TRIAL as to Shawn Winbush. (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 11/29/2004)
12/02/2004	12	Magistrate Judge Robert B. Collings : ORDER entered denying 9 Motion to Dismiss for Speedy Trial as to Shawn Winbush (1). (Russo, Noreen)[1:04-mj-00486-RBC] (Entered: 12/02/2004)
12/09/2004	13	INDICTMENT as to Shawn Winbush (1) count(s) 1, 2, Courtney Mighty (2) count(s) 1, 2. (Gawlik, Cathy) (Entered: 12/09/2004)
12/09/2004	14	Judge Nathaniel M. Gorton : ORDER entered ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: pretrial proceedings as to Shawn Winbush, Courtney Mighty (Gawlik, Cathy) (Entered: 12/09/2004)
12/13/2004		Electronic NOTICE OF HEARING as to Shawn Winbush, Courtney Mighty Arraignment set for 12/17/2004 @ 12:30 PM in Courtroom 14 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 12/13/2004)
12/17/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Arraignment as to Shawn Winbush (1) Count 1,2 held on 12/17/2004. Nancy Rue for Gov't, Victoria Bonilla-Argudo for Mr. Winbush. Def't pleads not guilty as to call counts. Initial Status Conf. set for February 16, 2005 @ 2:15 PM. (Digital Recording) (Russo, Noreen) (Entered: 12/17/2004)
12/17/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Arraignment as to Courtney Mighty (2) Count 1,2 held on 12/17/2004. Nancy Rue for Gov't, C. Byrne for Def't. Def't pleads not guilty on all counts. Def't requests case be sent to District Ct. Judge for Rule 11 hearing. (Digital Recording) (Russo, Noreen) (Entered: 12/17/2004)
12/17/2004	15	Magistrate Judge Robert B. Collings : ORDER entered MEMORANDUM AND ORDER as to Shawn Winbush.



		(Russo, Noreen) (Entered: 12/17/2004)
12/17/2004	<u>16</u>	Magistrate Judge Robert B. Collings : ORDER entered ORDER RETURNING CASE TO DISTRICT JUDGE FOR CHANGE OF PLEA as to Courtney Mighty. (Russo, Noreen) (Entered: 12/17/2004)
12/17/2004	<u>17</u>	Letter (non-motion) re Facility placement as to Shawn Winbush (Barrette, Mark) (Entered: 12/20/2004)
12/17/2004		Case as to Courtney Mighty no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 05/25/2005)
01/12/2005		NOTICE OF HEARING as to Courtney Mighty Change of Plea Hearing set for 2/2/2005 03:00 PM before Judge Nathaniel M. Gorton in courtroom no.4 in BOSTON. (Nicewicz, Craig) (Entered: 01/12/2005)
01/27/2005	<u>20</u>	NOTICE OF ATTORNEY APPEARANCE: Lawrence P. Novak appearing for Shawn Winbush (Barrette, Mark) (Entered: 02/04/2005)
02/02/2005		Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton :Change of Plea Hearing as to Courtney Mighty held on 2/2/2005, defendant is SWORN, court has colloquy with defendant re: rights, charges, state of mind, ed. background. Govt. summarizes plea agreement, max and min penalties and summarizes the evidence. Plea entered by Courtney Mighty (2) Guilty Count 1,2. Sentencing set for 4/26/2005 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. Procedural Order to issue. Defendant is remanded to custody of US Marshal.(Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 02/02/2005)
02/09/2005	<u>21</u>	MOTION to Withdraw as Attorney by Victoria M. Bonilla-Argudo. as to Shawn Winbush. (Bonilla-Argudo, Victoria) (Entered: 02/09/2005)
02/14/2005	<u>22</u>	TRANSCRIPT of Probable Cause and Detention Hearing as to Shawn Winbush held on October 15, 2004 before Judge Collings. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 02/14/2005)

02/15/2005	●	Magistrate Judge Robert B. Collings : Electronic ORDER entered granting <u>21</u> Motion to Withdraw as Attorney. as to Shawn Winbush (1). (Russo, Noreen) (Entered: 02/16/2005)
02/16/2005	●	Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings:Initial Status Conference as to Shawn Winbush held on 2/16/2005. Nancy Rue for Gov't, L. Novack for Def't. Motion to suppress due by March 9, 2005, Gov't to respond by cob on March 23, 2005. Trial expected to be 5 days. Final status set for 4/6/2005 @ 12:00 PM. (Tape # Digital Recording.) (Russo, Noreen) (Entered: 02/16/2005)
02/16/2005	● <u>23</u>	INITIAL STATUS CONFERENCE REPORT as to Shawn Winbush (Simeone, Maria) (Entered: 02/18/2005)
02/18/2005	● <u>24</u>	Magistrate Judge Robert B. Collings : ORDER entered. ORDER FOR FINAL STATUS CONFERENCE (L.R. 116.5 (C)) as to Shawn Winbush (Russo, Noreen) (Entered: 02/22/2005)
02/18/2005	● <u>25</u>	Magistrate Judge Robert B. Collings : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Shawn Winbush Time excluded from 12/9/2004 until 12/9/2004. Time excluded from 12/17/2004 until 12/17/2004. Time excluded from 12/18/2004 until 1/14/2005. Time excluded from 2/9/2005 until 2/15/2005. Time excluded from 2/16/2005 until 2/16/2005. Time excluded from 2/17/2005 until 3/9/2005. Thus, as of March 9, 2005, THIRTY-TWO (32) non-excludable days will have occurred leaving THIRTY-EIGHT (38) days left to commence trial so as to be within the seventy-day period for trial set by statute. (Russo, Noreen) (Entered: 02/22/2005)
02/18/2005	● <u>26</u>	Magistrate Judge Robert B. Collings : ORDER entered. REPORT AFTER INITIAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5 (A) as to Shawn Winbush (Russo, Noreen) (Entered: 02/22/2005)
03/10/2005	● <u>30</u>	MOTION to Suppress evidence as to Shawn Winbush. (Simeone, Maria) (Entered: 04/06/2005)
03/18/2005	● <u>27</u>	MOTION for Extension of Time to Later of 4/6/05 or two weeks after filing of Winbush Affidavit to File Response/Reply to Defendant's Motion to Suppress Filed on 3/9/05 as to Shawn Winbushby USA. (Rue, Nancy) (Entered: 03/18/2005)



04/01/2005	<u>28</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Courtney Mighty (Byrne, Catherine) (Entered: 04/01/2005)
04/04/2005	<u>29</u>	TRANSCRIPT of Plea Hearing as to Courtney Mighty held on Februry 2, 2005 before Judge Gorton. Court Reporter: Cheryl Dahlstrom. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/951-4555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 04/05/2005)
04/05/2005	<u>31</u>	JOINT MEMORANDUM of the parties re initial status conference by Shawn Winbush, Courtney Mighty (Filo, Jennifer) (Entered: 04/11/2005)
04/06/2005	<u>32</u>	MOTION to Revoke Detention Order as to Shawn Winbush. (Filo, Jennifer) (Entered: 04/11/2005)
04/06/2005	<u>33</u>	MEMORANDUM in Support by Shawn Winbush re <u>32</u> MOTION to Revoke Detention Order (Filo, Jennifer) (Entered: 04/11/2005)
04/07/2005	<u>3</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>27</u> Motion for Extension of Time to File Response/Reply as to Shawn Winbush (1) (Nicewicz, Craig) (Entered: 04/07/2005)
04/12/2005	<u>3</u>	Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings :Final Status Conference as to Shawn Winbush held on 4/12/2005. Nancy Rue for Gov't, L. Novack for Def't by phone. Court indicates that experts are governed by initial status orders. Court to send case to District Court judge with recommendation that Motion to Suppress be heard. (Digital Recording.) (Russo, Noreen) (Entered: 04/12/2005)
04/17/2005	<u>34</u>	MOTION for Extension of Time to 4/20/05 to File Response/Reply as to <u>30</u> MOTION to Suppress, <u>32</u> MOTION to Revoke as to Shawn Winbushby USA. (Rue, Nancy) (Entered: 04/17/2005)
04/20/2005	<u>35</u>	MEMORANDUM in Opposition by USA as to Shawn Winbush re <u>30</u> MOTION to Suppress (Rue, Nancy) (Entered: 04/20/2005)
04/20/2005	<u>36</u>	MEMORANDUM in Opposition by USA as to Shawn Winbush re <u>32</u> MOTION to Revoke (Rue, Nancy) (Entered: 04/20/2005)

04/21/2005	37	AFFIDAVIT by USA as to Shawn Winbush 35 Memorandum in Opposition filed by USA, (Rue, Nancy) (Entered: 04/21/2005)
04/21/2005	38	AFFIDAVIT by USA as to Shawn Winbush 35 Memorandum in Opposition filed by USA, (Rue, Nancy) (Entered: 04/21/2005)
04/22/2005	39	SEALED MOTION as to Courtney Mighty. (Abaid, Kim) (Entered: 04/27/2005)
04/25/2005		Terminate Deadlines and Hearings as to Courtney Mighty: (Nicewicz, Craig) (Entered: 04/25/2005)
04/25/2005		NOTICE OF RESCHEDULING as to Courtney Mighty Sentencing set for 5/11/2005 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 04/25/2005)
04/29/2005	41	Judge Robert B. Collings : ORDER entered. ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C) as to Shawn Winbush (Russo, Noreen) (Entered: 05/13/2005)
04/29/2005		Case as to Shawn Winbush no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 05/13/2005)
05/04/2005		Terminate Deadlines and Hearings as to Courtney Mighty: sentencing (Nicewicz, Craig) (Entered: 05/04/2005)
05/06/2005	40	SEALED MOTION as to Courtney Mightyby Courtney Mighty, USA. (Nici, Richard) Modified on 5/23/2005 (Nicewicz, Craig). (Entered: 05/11/2005)
05/23/2005		Terminate Deadlines and Hearings as to Courtney Mighty: (Nicewicz, Craig) (Entered: 05/23/2005)
05/23/2005		Judge Nathaniel M. Gorton : ORDER entered granting [40] SEALED MOTION as to Courtney Mighty (2) (Nicewicz, Craig) (Entered: 05/23/2005)
05/23/2005		Set/Reset Deadlines/Hearings as to Courtney Mighty: Sentencing set for 10/11/2005 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 05/23/2005)
05/23/2005		NOTICE OF HEARING ON MOTION on defendants motion



		to suppress <u>30</u> as to Shawn Winbush Motion Hearing set for 6/17/2005 11:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 05/23/2005)
06/13/2005	<u>42</u>	Judge Nathaniel M. Gorton : ORDER entered denying <u>30</u> Motion to Suppress as to Shawn Winbush (1); denying <u>32</u> Motion to Revoke as to Shawn Winbush (1) (Elefther, Elizabeth) (Entered: 06/13/2005)
06/13/2005	<u>43</u>	Letter (non-motion) from Wendy Winbush (spouse of Shawn Winbush) requesting transfer of Shawn Winbush. (Elefther, Elizabeth) (Entered: 06/14/2005)
06/14/2005		Set/Reset Deadlines/Hearings as to Shawn Winbush: Pretrial Conference set for 6/17/2005 11:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 06/14/2005)
06/17/2005		Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton :Pretrial Conference as to Shawn Winbush held on 6/17/2005. Motions in limine 7/25, responses 8/1, witness/exh list 8/1, voir dir 8/1, objections, jury instructions, verdict form 8/8/05. Jury Trial set for 8/15/2005 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 06/17/2005)
06/21/2005	<u>44</u>	Letter regarding request to return to Plymouth County as to Shawn Winbush (Elefther, Elizabeth) (Entered: 06/21/2005)
06/21/2005	<u>45</u>	Letter re: to be release on Bond as to Shawn Winbush (Elefther, Elizabeth) (Entered: 06/21/2005)
07/20/2005	<u>46</u>	MOTION for Psychiatric Evaluation as to Shawn Winbush. (Elefther, Elizabeth) Additional attachment(s) added on 7/28/2005 (Elefther, Elizabeth). (Entered: 07/20/2005)
07/20/2005	<u>47</u>	MOTION Financial Assistance for Psychiatric Evaluation as to Shawn Winbush. (Elefther, Elizabeth) (Entered: 07/20/2005)
07/20/2005	<u>48</u>	AFFIDAVIT in Support of Lawrence P Novak; by Shawn Winbush re <u>46</u> MOTION for Psychiatric Exam (Elefther, Elizabeth) (Entered: 07/20/2005)
07/28/2005		Notice of correction to docket made by Court staff. Correction: Clerk added motion for Docket 46 because Attorney Lawrence P Novak filed a replacement motion as to Shawn Winbush.

		(Elefther, Elizabeth) (Entered: 07/28/2005)
08/02/2005	<u>49</u>	Judge Nathaniel M. Gorton : ORDER entered granting <u>46</u> Motion for Psychiatric Exam as to Shawn Winbush (1) (Elefther, Elizabeth) (Entered: 08/02/2005)
08/02/2005	<u>50</u>	Judge Nathaniel M. Gorton : ORDER entered granting <u>47</u> Motion Financial Assistance For Psychiatric Evaluation as to Shawn Winbush (1)"Note: Funds are Authorized up to \$2,000.00" (Elefther, Elizabeth) (Entered: 08/02/2005)
08/05/2005	<u>51</u>	MOTION to Continue as to Shawn Winbush. (Novak, Lawrence) Additional attachment(s) added on 8/9/2005 (Elefther, Elizabeth). (Entered: 08/05/2005)
08/09/2005		Remark: Clerk has emailed 8/9/05 and left a viocemail on 8/5/05 for Attorney Novak, to resend Docket 51 and 52 with his electronic signature as to Shawn Winbush. (Elefther, Elizabeth) (Entered: 08/09/2005)
08/09/2005		Notice of correction to docket made by Court staff. Correction: Docket No. 51 was corrected because there was an error and duplication of the Motion to Continue as to Shawn Winbush. (Elefther, Elizabeth) (Entered: 08/09/2005)
08/11/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>51</u> Motion to Continue as to Shawn Winbush (1)"Trial is rescheduled to commence on Monday, November 14, 2005 at 9:00 a.m." (Elefther, Elizabeth) (Entered: 08/11/2005)
08/11/2005		Electronic Clerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Bench Trial set for 11/14/2005 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Elefther, Elizabeth) (Entered: 08/11/2005)
08/12/2005		Terminate Deadlines and Hearings as to Shawn Winbush: jury trial. (Nicewicz, Craig) (Entered: 08/12/2005)
09/20/2005	<u>52</u>	MOTION for Excludable Delay from 7/20/05 to 11/14/05 <i>And For Status Conference</i> as to Shawn Winbushby USA. (Attachments: # <u>1</u> Exhibit 1 -- Complaint# <u>2</u> Exhibit 2 -- Affidavit of Lauren Youngquist)(Rue, Nancy) (Entered: 09/20/2005)
09/27/2005		Judge Nathaniel M. Gorton : ElectronicORDER entered granting <u>52</u> Motion to Exclude as to Shawn Winbush (1)

		(Nicewicz, Craig) (Entered: 09/27/2005)
09/27/2005	<u>53</u>	Letter (non-motion) regarding current situation of legal troubles as to Shawn Winbush (Elefther, Elizabeth) (Entered: 09/27/2005)
10/03/2005	<u>54</u>	Judge Nathaniel M. Gorton : ORDER entered. ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: Appointment of counsel as to Shawn Winbush (Nicewicz, Craig) (Entered: 10/03/2005)
10/05/2005	<u>55</u>	SEALED MOTION as to Courtney Mighty. (Elefther, Elizabeth) (Entered: 10/05/2005)
10/06/2005		Judge Nathaniel M. Gorton : ElectronicORDER entered granting [55] Sealed Motion as to Courtney Mighty (2) (Elefther, Elizabeth) (Entered: 10/07/2005)
10/06/2005		Terminate Deadlines and Hearings as to Courtney Mighty: (Elefther, Elizabeth) (Entered: 10/07/2005)
10/06/2005		Set/Reset Hearings as to Courtney Mighty: Sentencing set for 12/8/2005 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Elefther, Elizabeth) (Entered: 10/07/2005)
10/07/2005	<u>56</u>	Judge Robert B. Collings : ORDER entered. CJA 20 as to Shawn Winbush: Appointment of Attorney Victoria M. Bonilla-Argudo for Shawn Winbush. (Russo, Noreen) (Entered: 10/10/2005)
10/07/2005		Case as to Shawn Winbush no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 12/05/2005)
11/02/2005		Terminate Deadlines and Hearings as to Shawn Winbush: TRIAL (Nicewicz, Craig) (Entered: 11/02/2005)
11/08/2005	<u>57</u>	MOTION for Rule 11 Hearing as to Shawn Winbush. (Bonilla-Argudo, Victoria) (Entered: 11/08/2005)
11/09/2005		Judge Nathaniel M. Gorton : ElectronicORDER entered finding as moot <u>34</u> Motion for Extension of Time to File Response/Reply as to Shawn Winbush (1); finding as moot <u>6</u> Motion for Release from Custody as to Shawn Winbush (1); granting <u>57</u> Motion for Rule 11 Hearing as to Shawn Winbush (1); terminating [39] Sealed Motion as to Courtney Mighty (2) (Nicewicz, Craig) (Entered: 11/09/2005)



11/09/2005	●	NOTICE OF HEARING as to Shawn Winbush Change of Plea Hearing set for 11/14/2005 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 11/09/2005)
11/14/2005	●	ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton :Change of Plea Hearing as to Shawn Winbush held on 11/14/2005 Sentencing set for 2/28/2006 11:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. Surplusage of Indictment is stricken.(Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 11/14/2005)
12/02/2005	●58	TRANSCRIPT of Plea as to Shawn Winbush held on November 14, 2005 before Judge Gorton. Court Reporter: Cheryl Dahlstrom. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/951-4555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 12/02/2005)
12/05/2005	●59	SEALED MOTION as to Courtney Mighty. (Nicewicz, Craig) (Entered: 12/05/2005)
12/05/2005	●	Terminate Deadlines and Hearings as to Courtney Mighty: (Nicewicz, Craig) (Entered: 12/05/2005)
12/05/2005	●	NOTICE OF RESCHEDULING as to Courtney Mighty Sentencing set for 1/13/2006 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 12/05/2005)
01/12/2006	●60	SEALED MOTION as to Courtney Mighty. (Sonnenberg, Elizabeth) (Entered: 01/12/2006)
01/12/2006	●	Terminate Deadlines and Hearings as to Courtney Mighty: sentencing. (Nicewicz, Craig) (Entered: 01/12/2006)
01/12/2006	●	NOTICE OF RESCHEDULING as to Courtney Mighty Sentencing set for 3/15/2006 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 01/12/2006)
01/12/2006	●	Judge Nathaniel M. Gorton : Electronic ORDER entered granting [60] Sealed Motion as to Courtney Mighty (2) (Nicewicz, Craig) (Entered: 01/19/2006)
02/21/2006	●61	SENTENCING MEMORANDUM by Shawn Winbush (Attachments: # 1)(Bonilla-Argudo, Victoria) (Entered: 02/21/2006)



		02/21/2006)
02/22/2006	●	Terminate Deadlines and Hearings as to Shawn Winbush: (Nicewicz, Craig) (Entered: 02/22/2006)
02/22/2006	●	NOTICE OF RESCHEDULING as to Shawn Winbush Sentencing set for 2/27/2006 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 02/22/2006)
02/26/2006	●62	SENTENCING MEMORANDUM by USA as to Shawn Winbush (Rue, Nancy) (Entered: 02/26/2006)
02/27/2006	●	ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton :Sentencing held on 2/27/2006 for Shawn Winbush (1), 1, 2, TOL 31 CHC VI. Court hears argument for a reduced sentence. Govt recommends maximum of 235 months. ON Counts 1 and 2; 188 months in BOP, followed by 4 years of SR. SA of \$200. Submit to DNA sample. NO firerms. Participate in SA program. Participate in MH program. No alcoholic beverages. No aliases. Judgment to issue. Informed of rights to appeal and representation.. (Court Reporter Niles.) (Nicewicz, Craig) (Entered: 02/27/2006)
02/28/2006	●63	Judge Nathaniel M. Gorton : Electronic ORDER entered. JUDGMENT as to Shawn Winbush (1), TOL 31 CHC VI.. ON Counts 1 and 2; 188 months in BOP, followed by 4 years of SR. SA of \$200. Submit to DNA sample. NO firerms. Participate in SA program. Participate in MH program. No alcoholic beverages. No aliases. Statement of Reasons. A sentence of 188 months is sufficient to reflect the seriousness of the offense, promote respect for the law and provide just punishment. (Nicewicz, Craig) (Entered: 02/28/2006)
03/03/2006	●64	NOTICE OF APPEAL by Shawn Winbush NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/23/2006. (Bonilla-Argudo, Victoria) (Entered: 03/03/2006)
03/08/2006	●	Terminate Deadlines and Hearings as to Courtney Mighty: sentencing (Nicewicz, Craig) (Entered: 03/08/2006)
03/08/2006	●	NOTICE OF RESCHEDULING as to Courtney Might

		Sentencing set for 3/28/2006 11:30 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) Modified on 3/13/2006 (Nicewicz, Craig). (Entered: 03/08/2006)
03/14/2006	●	Terminate Deadlines and Hearings as to Shawn Winbush: (Nicewicz, Craig) (Entered: 03/14/2006)
03/14/2006	●	Set/Reset Hearings as to Courtney Mighty: Sentencing set for 3/28/2006 11:30 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 03/14/2006)
03/23/2006	●65	SEALED SENTENCING MEMORANDUM by Courtney Mighty (Sonnenberg, Elizabeth) (Entered: 03/23/2006)
03/23/2006	●66	MOTION to Seal as to Courtney Mighty. (Byrne, Catherine) (Entered: 03/23/2006)
03/28/2006	●	Judge Nathaniel M. Gorton : Electronic ORDER entered granting 66 Motion to Seal as to Courtney Mighty (2) (Nicewicz, Craig) (Entered: 03/28/2006)
03/28/2006	●	ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton :Sentencing held on 3/28/2006 for Courtney Mighty (2), 1, 2, TOL 21, CHC I; 37-46 months. On Counts I & II; 22 months in custody of BOP, followed by 36 months of SR. Submit to DNA sample. No fine. SA \$200. Special Conditions as described in the PSR.Defendant is remanded to custody of USMS. Informed of rights to appeal and representation.. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 03/28/2006)
03/31/2006	●67	Judge Nathaniel M. Gorton : Electronic ORDER entered. JUDGMENT as to Courtney Mighty (2), TOL 21, CHC I; 37-46 months. On Counts I & II; 22 months in custody of BOP, followed by 36 months of SR. Submit to DNA sample. No fine. SA \$200. Special Conditions as described in the PSR.Defendant is remanded to custody of USMS. Informed of rights to appeal and representation.; Count(s) 1, 2, TOL 21, CHC I; 37-46 months. On Counts I & II; 22 months in custody of BOP, followed by 36 months of SR. Submit to DNA sample. No fine. SA \$200. Special Conditions as described in the PSR.Defendant is remanded to custody of USMS. Informed of rights to appeal and representation., STATEMENT OF REASONS as to Courtney Mighty (Nicewicz, Craig) (Entered: 04/03/2006)

